

Remarks

Claims 1-14 and 17-35 are pending in the application. By this Amendment, claims 1, 17, 25, 26 and 28 are amended, claims 15 and 16 are cancelled and claims 32-35 are added.

Applicants thank Examiner Walls for recognizing allowable subject matter in claims 25, 26 and 28. By this Amendment, claims 25 and 28 are rewritten in independent form, claim 26 is amended and corresponding claims 32-34 are added. As a result, it is respectfully submitted that claims 25, 26 and 28 are in condition for allowance.

In the Office Action, claims 1, 27, 30 and 31 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,146,262 to Long in view of U.S. Patent No. 5,328,403 to Long. The rejection is respectfully traversed.

Claim 1 includes the feature of “the explosive forces being caused by introducing energy to the liquid by discharging a capacitor through a capacitor discharge electrode located within the liquid”. In contrast, neither Long ‘262 or Long ‘403 disclose the use of a capacitor discharge electrode.

In light of the above, it is respectfully submitted that neither Long ‘262, Long ‘403, nor the combination thereof, suggests the features of claims 1, 27, 30 and 31. As a result, it is respectfully requested that the rejection be withdrawn.

In the Office Action, claims 2-15 and 19-24 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,146,262 to Long in view of U.S. Patent No. 5,328,403 to Long and U.S. Patent No. 3,492,688 to Godfrey. The rejection is respectfully traversed.

It is respectfully submitted that Godfrey does not remedy the deficiencies of Long '262 and Long '403 discussed above with regard to the rejection of claim 1.

In light of the above, it is respectfully submitted that neither Long '262, Long '403, Godfrey, nor the combination thereof, suggests the features of claim 2-15 and 19-24. As a result, it is respectfully requested that the rejection be withdrawn.

In the Office Action, claims 16 and 18 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,146,262 to Long in view of U.S. Patent No. 5,328,403 to Long and U.S. Patent No. 6,168,814 to Long. The rejection is respectfully traversed.

Initially, it is respectfully submitted that Long '814 is not prior art to this Application. Long '814 was filed on July 2, 1999. This Application was filed September 18, 2000, and claims priority to U.S. Patent Application No. 09/346,738 (now U.S. Patent No. 6,176,970) which was filed March 23, 1999. The relevant features of claim 1 were disclosed in 09/346,738 and, as such at least claim 1 has an effective filing date of no later than March 23, 1999.

As claim 1 is amended to include the features of claim 16, the differences between claim 1 and Long '814 are discussed to clarify these differences. This discussion should not be interpreted as a statement as to Long '814's status as prior art.

Claim 1 is directed to a “method of subjecting a material in a liquid to explosive forces” and includes the feature of “the explosive forces being caused by introducing energy to the liquid by discharging a capacitor through a capacitor discharge electrode located within the liquid”. As such, the capacitor discharge electrode is located within the same liquid as the material.

In contrast, Long ‘814 discloses a food product moving through a plastic or other acoustically transparent conduit 100 and the conduit being surrounded by water in a surrounding tank (col. 5, line 65 – col. 6, line 4). The explosive device 200 is located outside of the conduit 100 with a shock wave produced by the explosive device passing directly through the conduit 100 (col. 6, lines 28-29). Although Long ‘814 states that the invention contemplates dropping food pieces or extruding food vertically through water without the use of a distinct conduit (col. 6, lines 64-66), it is respectfully submitted that Long ‘814 teaches away from subjecting material to explosive forces without a distinct conduit (and placing capacitor discharge electrodes on a conduit) by pointing out why such a system is not desirable (col. 6, line 66 – col. 7, line 5; col. 3, lines 13–36; col. 10, line 63 – col. 11, line 12; col. 11, lines 34-40). In addition to all of the teachings listed above, it is submitted that further evidence of Long ‘814 teaching away from claim 1 is the fact that all of the claims in Long ‘814 include a conduit immersed in a liquid.

Because Long ‘814 is not prior art, the amendments to Claim 1 are not made in response to the application of Long ‘814, but are, instead, made to clarify the scope of claim 1 to include various features and their equivalents.

In light of the above, it is respectfully submitted that neither Long '262, Long '403, Long '814 (even if it was prior art, which Applicants assert it is not), nor the combination thereof, suggests the features of claims 1, 17 and 18. As a result, it is respectfully requested that the rejection be withdrawn.

In the Office Action, claim 29 was rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,146,262 to Long in view of U.S. Patent No. 5,328,403 to Long, U.S. Patent No. 3,492,688 to Godfrey and U.S. Patent No. 3,228,221 to Zernow. The rejection is respectfully traversed.

It is respectfully submitted that Godfrey and Zernow do not remedy the deficiencies of Long '262 and Long '403 discussed above with regard to the rejection of claim 1.

In light of the above, it is respectfully submitted that neither Long '262, Long '403, Godfrey, Zernow, nor the combination thereof, suggests the features of claim 29. As a result, it is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are respectfully requested.

Applicant's desire a personal interview with Examiner Walls to further discuss this application. If the examiner believes that anything additional would place the application in even better condition for allowance, the examiner is requested to contact the undersigned attorney.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper.


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Appl. No. 09/664,533

However, if additional extensions of time are needed to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims), and any other fee deficiency are hereby authorized to be charged, and any overpayments credited to, our Deposit Account No. 22-0261.

Respectfully submitted,

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